

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Cellular Service and Other Commercial)
Mobile Radio Services in the Gulf of)
Mexico)
)
Amendment of Part 22 of the Commission's)
Rules to Provide for Filing and Processing of)
Applications for Unserved Areas in the)
Cellular Service and to Modify Other)
Cellular Rules)

WT Docket No. 97-112

CC Docket No. 90-6

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

FURTHER REPLY COMMENTS OF MOBILTEL, INC.

MobileTel, Inc. ("MobileTel") by its attorneys, hereby submits its further reply comments in the above-captioned proceeding.^{1/} MobileTel, as the B-block cellular licensee for the Houma-Thibodaux Metropolitan Service Area ("MSA"), is a land-based carrier with service areas that border the Gulf of Mexico Service Area ("GMSA"). MobileTel has had difficulties serving subscribers along the shoreline because of the current prohibition against any extensions by land-based carriers into the CGSA of the GMSA licensees.

MobileTel filed comments in this proceeding on July 2, 1997, urging the Commission to grant existing land-based carriers with service areas that border the Gulf an opportunity to

^{1/} Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico, WT Docket No. 97-112, Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules, CC Docket 90-6, Second Further Notice of Proposed Rulemaking, 12 FCC Rcd 4516 (1997), pleading cycle reopened, DA 00-687 (rel. Mar. 27, 2000), 65 Fed. Reg. 24168 (Apr. 25, 2000) ("Second FNPRM").

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provide coverage to any unserved coastal areas.^{2/} MobileTel proposed that the Commission accomplish this by redrawing the border of the GMSA so that it begins 12 miles offshore (as defined by a specified set of coordinates) and extends to the outer boundary of the current GMSA. Id.

Having reviewed the further comments filed in this proceeding, MobileTel now endorses the compromise proposal offered by ALLTEL Corporation (“ALLTEL”), which would allow both land-based and Gulf carriers to establish contours into the “coastal zone,” subject to requirements for frequency coordination and without interference protection as currently defined in the Commission’s rules.^{3/} The ALLTEL proposal would give cellular carriers with markets adjacent to the GMSA the ability to provide reliable service to customers throughout their entire authorized service area. The proposal would also provide the Gulf carriers with greater flexibility to provide service to their core customers, the oil and gas industry in the Gulf, which would address the concerns raised by the D.C. Circuit in its remand.^{4/}

Finally, the ALLTEL proposal would reduce disputes between land-based and Gulf carriers, unlike the proposal advocated by PetroCom and U.S. Cellular.^{5/} The PetroCom/US Cellular proposal would permit both land-based and Gulf carriers to operate at the current coastline boundary using the 32 dBu-based formula for calculating SAB contours from land-based sites, see 47 C.F.R. § 22.911(a)(1). Permitting the Gulf carriers to use a land-based formula near the coastline will result in the Gulf carriers having a stronger signal in the land-

^{2/} Comments of MobileTel, Inc. at 2-3.

^{3/} See Further Comments of ALLTEL at 9-10.

^{4/} Petroleum Communications Inc. v. Federal Communications Commission, 22 F.3d 1164 (D.C. Cir. 1994).

based carriers' markets.^{6/} The Gulf carriers' stronger signals will cause increased interference with the land-based carriers' signal and will result in increased capture of the land-based carriers' subscribers by the Gulf carriers. Concerns about interference and subscriber capture are heightened near the GMSA because of the excessive roaming rates charged by the Gulf carriers.^{7/}

MobileTel also supports the additional limitations on the ALLTEL proposal offered by BellSouth in its further comments: (1) the provision of service in the coastal zone should be limited to land-based carriers with markets bordering the Gulf of Mexico and the Gulf carriers;^{8/} (2) the CGSA boundary for land-based carriers should remain at the coastline, while the CGSA for Gulf carriers should begin twelve miles offshore where the border of the Commission's proposed "exclusive zone" would begin;^{9/} and (3) the Commission should continue to prohibit the Gulf carriers from locating cell sites on land without the consent of the relevant land-based carrier.^{10/} With these restrictions incorporated, MobileTel believes that the ALLTEL proposal would resolve the vast majority of the problems regarding cellular service in and near the Gulf and would further the public interest and the Commission's goals in this proceeding.

^{5/} See Joint Comments of Petroleum Communications, Inc. and U.S. Cellular Corporation at 2.

^{6/} As GTE explains, because radio signals propagate further over water, any formula that treats land-based and Gulf carriers "alike" will in fact disadvantage land-based carriers. Supplemental Comments of GTE Service Corporation at 15-16.

^{7/} See Declaration of Tommie Morgan, attached hereto as Exhibit 1.

^{8/} Further Comments of BellSouth at 2.

^{9/} Id.

^{10/} Id. at 3. See also Comments of MobileTel at 4-6.

CONCLUSION

MobileTel urges the Commission to adopt the compromise proposal offered by ALLTEL, with the restrictions set forth above.

Respectfully submitted,

MOBILETEL, INC.

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DECLARATION OF TOMMIE MORGAN

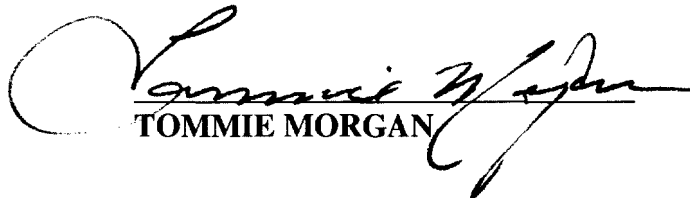
1. I, Tommie Morgan, am employed as the General Manager with MobileTel, Inc. ("MobileTel"). In this position, I am responsible for negotiating roaming agreements with other cellular carriers.

2. MobileTel has a roaming agreement with Bachow/Coastel, L.L.C. that requires MobileTel to pay \$3.00 per minute for its customers to roam on Bachow/Coastel's system.

3. MobileTel has a roaming agreement with Petroleum Communications Inc. ("PetroCom") that requires MobileTel to pay \$2.40 per minute for its customers to roam on PetroCom's Gulf system.

4. MobileTel receives numerous complaints from its customers as a result of the excessive roaming rates charged by the Gulf carriers.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge, information, and belief.


TOMMIE MORGAN

Executed on May 26, 2000

CERTIFICATE OF SERVICE

I, Michelle Mundt, hereby certify that on this 30th day of May 2000, I caused copies of the foregoing "Further Reply Comments of MobileTel, Inc." to be sent to the following by either first class mail, postage prepaid, or by hand delivery (*):

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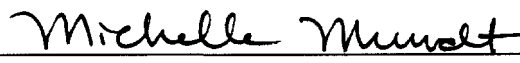
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